

# EXHIBIT 10

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

RILEY GAINES, <i>et al.</i>	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:24-cv-01109-MHC
	)	
NATIONAL COLLEGIATE	)	
ATHLETIC ASSOCIATION, <i>et al.</i>	)	
	)	
Defendants.	)	

**DECLARATION OF KARA DANSKY ON BEHALF OF WOMEN’S  
DECLARATION INTERNATIONAL USA**

I, Kara Dansky, declare as follows:

1. I am a resident of the United States, an adult over the age of eighteen, and am competent to testify and have personal knowledge of the facts stated in this declaration.
2. I currently serve as the President of the U.S. chapter of Women’s Declaration International (WDI USA). Before joining WDI USA as President in 2021, I served on the board of the Women’s Liberation Front from 2016 to 2020. Between 2012 and 2014, I worked at the ACLU as Senior Counsel for the Center for Justice, where I worked on the ACLU’s campaigns against mass incarceration

and police militarization. I have a J.D. from the University of Pennsylvania Law School and a B.A. from Johns Hopkins University.

3. Women's Declaration International (WDI, of which WDI USA is one chapter) is made up of women from every walk of life—from law and government to the hard sciences, the culture-shaping professions, and the nation-building trades. We are lesbians, straight women, and bisexual women. We are mothers and child-free women. We are women of all races, ethnicities, and religions. We are more than 38,000 individuals and 530 organizations from 160 nations. But in our diversity we have a single message: Never again will we return to a world where women are defined by the patronizing, regressive, and oppressive stereotypes of gender, of which “gender identity” is one form. To that end, we work to advance the Declaration on Women's Sex-Based Rights in law, policy, and society all over the world (the Declaration).<sup>1</sup> We are a nonpartisan organization, but our supporters generally consider themselves to be liberal, very liberal, or progressive. Of our roughly 6500 supporters, around 30 percent are Democrats and 34 percent are Independents (many having left the Democratic Party, no doubt due to opposition to the Party's support for “gender identity”). Only seven percent are Republicans and the rest are either unaffiliated or prefer not to say.

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<sup>1</sup> See *Decl. Women's Sex-Based Rights*, generally: <https://www.womensdeclaration.com/en/>.

4. Our interest in *Gaines, et al. v. NCAA, et al.*, No. 1:24-cv-01109-MHC, stems from our interest in protecting women and girls as a sex class, consistent with the Declaration. Article 1 of the Declaration reaffirms that the rights of women are based on the category of sex, not “gender identity.” Article 7 of the Declaration reaffirms women’s rights to the same opportunities as men to participate actively in sports and physical education, including the provision of opportunities for girls and women to participate in sports and physical education on a single-sex basis. Article 8 reaffirms the need for the elimination of violence against women and girls. To that end, it calls for the provision of single-sex spaces, including restrooms, showers and changing rooms, and locker rooms. Single-sex facilities designed to meet the needs of women and girls should be at least equal in availability and quality to those provided to men and boys (consistent with the original intent of Title IX). These facilities should not include men who claim to have female “gender identities.”

5. Due to our own interest in this case, WDI USA has become aware of the Motion to Intervene filed by the National Women’s Law Center (NWLC).

6. In the NWLC’s Memorandum of Law in Support of Its Motion to Intervene (the “NWLC Memorandum”), NWLC states it supports men who claim to be women competing in women’s sports “as a matter of both civil rights law and of human rights.” It goes on to state: “NWLC is not alone. The overwhelming

majority of women's rights and gender justice organizations share the view that the inclusion of women and girls who are transgender in sports advances the goal of equal opportunity for women and girls to benefit from athletic participation.”

NWLC Memorandum, ECF No. 36-1, p. 10 of 32.

7. WDI USA strongly disagrees with many of the factual assertions in the foregoing statement by NWLC, for example:

- An overwhelming majority of women reject men competing in women's sports and male access to female safe spaces.
- According to polling WDI USA conducted in November 2023, across the political spectrum, four out of five voters nationwide say that the word “women” means adult humans who are biologically female. Eighty-four percent of voters say an all-female high school basketball team should face opponents who are female only and 85 percent say when a female gym member is showering and changing in the women's locker room, the other users in the locker room should be female only.<sup>2</sup>
- In terms of civil rights law, men being allowed to take women's places is sexist, regressive and harmful to women.
- As stated in the Introduction to the Declaration, the “concept of ‘gender identity’ is used to challenge individuals’ rights to define their sexual orientation on the basis of sex rather than ‘gender identity,’ enabling men who claim a female ‘gender identity’ to seek to be included in the category of lesbian, which is a category based upon sex. This undermines the sex-based rights of lesbians, and is a form of discrimination against women.”<sup>3</sup>

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<sup>2</sup> See SurveyUSA Mkt Research Study #26869, “Strong Majorities Prefer Female-Only Interactions for Women, Girls in Athletics, Restroom, Other Situations” (Sept. 25-27, 2023), <https://www.surveyusa.com/client/PollReport.aspx?g=42574e21-871e-4023-9ef2-d9b5b39f47c8>.

<sup>3</sup> Decl. Women's Sex-Based Rights, Introduction: <https://www.womensdeclaration.com/en/>.

- As further elaborated, “Organizations that promote the concept of ‘gender identity’ challenge the right of women and girls to define themselves on the basis of sex, and to assemble and organize on the basis of their common interests as a sex. This includes challenging the rights of lesbians to define their sexual orientation on the basis of sex rather than ‘gender identity’ and to assemble and organize on the basis of their common sexual orientation.”<sup>4</sup> As the WDI USA Lesbian Caucus has noted, “Males claiming a lesbian identity (and often pressuring their female partners to also identify as lesbians), [are] thereby claiming that straight couples can be lesbian couples, erasing the meaning of the word lesbian.”<sup>5</sup> Accordingly, the NWLC’s embrace of “gender identity” is explicitly anti-lesbian.

- In terms of human rights law, all major human rights instruments refer to sex in biological terms and do not include men who claim to be women in the category of women. This includes, for example, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), United Nations, 1979, the International Bill of Human Rights, and the International Convention of Civil and Political Rights.

- The United Nations Special Rapporteur on Violence against Women and Girls has opined that an interpretation of Title IX that requires men who claim to be women to have access to women’s sports teams is contrary to the obligations of the U.S. Government under international human rights law and would lead to discrimination and serious physical, emotional and other harms to women and girls. We agree with the Special Rapporteur.

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<sup>4</sup> *Id.*

<sup>5</sup> WDI USA Lesbian Caucus, “Lesbians in the Crosshairs: How the Forced Teaming of LGB with the TQ+ Has Harmed Lesbians” (Nov. 27, 2023), <https://womensdeclarationusa.com/lesbians-in-the-crosshairs-how-the-forced-teaming-of-lgb-with-tq-has-harmed-lesbians/>.

8. As noted above, our global organization represents more than 38,000 individuals and 530 organizations from 160 nations. In the United States, more than 6500 people have signed the Declaration.

9. NWLC claims that “[p]olicies excluding women and girls who are transgender from school sports harm not only those women and girls, but threatens all women and girls who excel in athletics, as well as all who depart from gender stereotypes.” NWLC Memorandum, ECF No. 36-1, p. 11 of 32; *see also* p. 12 (“Categorical bans”).

10. The foregoing claim by NWLC is not supported by evidence. First, while NWLC seeks to characterize rules that protect women’s places and spaces as “excluding ... from school sports” or as “bans,” this is false, no significant organization of any sort proposes banning or excluding anyone from sport. Rather, the discussion is solely about what eligibility category (generally, male, female or mixed) in which individuals may participate. Thus, the use of terms like “bans” or “excluding from school sports” is misleading.

11. Second, there is no evidence of harm to women from, for example, a simple and discrete DNA check swab or reliance upon birth records; either method can be simply and easily used to qualify girls to compete in the female category. Sex verification can be easily accomplished in private and has been for years without

the sort of harms or difficulty that NWLC claims, and its statements otherwise amount to fear mongering.

12. NWLC claims that “[b]lack and brown women and girls who play school sports are at a particularly high risk of harm under these policies, because Black and brown women are often viewed as ‘nonconforming’ with white-centric stereotypes of femininity.” NWLC Memorandum, ECF No. 36-1, pp. 11-12 of 32.

13. The foregoing claim by NWLC is unsupported by any reliable evidence. In fact, there is no evidence that protecting the women’s biological category in sport has any racial impact, it is simply not a racial issue and to claim that it is without evidence is irresponsible. Moreover, there are excellent reasons for Black and Brown women to oppose the lies of “gender identity:”

- The WDI USA Black Women’s Caucus has explained in no uncertain terms that so-called ‘gender identity’ “promotes the idea that sex is nothing more than a social construct and that an individual can choose to \*be\* a man or a woman regardless of her or his sex. Gender ideologues employ the ‘forced-teaming’ tactic against Black women in order to shame us into being work mules for their campaign of male sexual privileges that they call ‘transgender rights.’ While these efforts are masked as progressive and inclusive concepts, gender identity ideology is actually intrusive and harmful to women, and uniquely so to Black women.”<sup>6</sup>

- The Black Women’s Caucus has also explained why recent changes to the Title IX implementing regulations will impact Black women uniquely. In addition to invading women’s sports, and spaces,

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<sup>6</sup> WDI USA Black Women’s Caucus, “Black Women’s Caucus Statement Against Gender Identity” (April 19, 2023), <https://womensdeclarationusa.com/black-womens-caucus-statement-against-gender-ideology/>.



“The amended Title IX regulations will also affect the distribution of sports scholarships. Athletic scholarships are often a critical pathway for Black women and girls, not just for sport participation but as a means to fund higher education, which can be otherwise financially inaccessible. Black women are already underrepresented among NCAA female athletes. The inclusion of men in female scholarship pools further threatens opportunities for Black women and girls to use sports as a tool for educational and social advancement. Any reduction in access to scholarships can have disproportionate and lasting impacts on Black women’s ability to pursue higher education and subsequent career opportunities.”<sup>7</sup>

14. Just like NWLC, WDI USA regularly contributes to public debate on Title IX, advocates for women’s rights, and seeks to influence the NCAA, the U.S. Department of Education, and other regulatory bodies. In 2024 alone, our State Legislative Advocacy team has submitted written testimony or model bills in 25 states on topics related to protecting women and girls as a sex class, including maintaining single-sex sports and spaces. Since our launch in 2020, we have filed seven *amicus* briefs concerning the protection of women and girls as a sex class before the federal district and appellate courts and contributed to an *amicus* brief before the U.S. Supreme Court urging it to accept *certiorari* in a matter concerning the provision of single-sex spaces in schools.

15. The NWLC has no more expertise, commitment to women, or involvement on issues pertaining to women in sport than WDI USA does. In fact, by filing this

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<sup>7</sup> WDI USA Black Women’s Caucus, “Black Women’s Caucus Statement on Preserving Sports and Spaces for Women and Girls” (May 6, 2024), <https://womensdeclarationusa.com/wdi-usa-black-womens-caucus-statement-on-preserving-sports-and-spaces-for-women-and-girls/>.

very motion to intervene, the NWLC is signaling its commitment to men and boys who claim to have “woman gender identities” at the expense of actual women and girls. There is no reason to prefer NWLC as an advocacy organization or resource on women’s issues over WDI USA; in fact, WDI USA is much more suited to represent the interests of women and girls as a sex class because we reject outright the notion that any man or boy can be a kind of woman or girl.

16. While the NWLC claims to have a “defense” that shares common questions of law or fact with the NCAA, this is not accurate in our view. The NWLC can no more be a defendant in this Title IX case to the claims being made by the Plaintiffs than our organization can be. We do not receive federal funding and so like the NWLC are not covered by Title IX.

17. However, WDI USA as an advocacy organization would be interested in becoming a party to this case and other high profile legal cases in which we can platform our views, seek discovery from parties with whose views we may disagree, and seek to influence the development of the law in cases in which we are interested just as the NWLC is seeking to do here. However, we have not previously understood that a party could intervene in a case without actually having a claim or defense potentially affected by the case.

18. The NWLC states it “has a substantial and longstanding interest in advocating for the equality of women and girls – including in athletics and access

to sex-separated facilities ...[and] a strong interest in the proper interpretation of Title IX and the Equal Protection Clause on these topics.” NWLC Memorandum, ECF No. 36-1, p. 23 of 32. We, too, have these same interests. Moreover, as explained above, the NWLC does not adequately represent our interests or the interests of the many women and girls we represent. Nor does the NCAA or any other party represent our interests in these important issues. We raise the points made in this declaration for the benefit of the Court in considering the NWLC’s Motion and because, for the reasons explained above:

- a. The NWLC’s claims in its submission are in numerous respects inaccurate; and
- b. It would not be fair or just to allow one “women’s rights” organization to intervene as a party in this case when there is a broad spectrum of women’s rights organizations and the NWLC represents only one very narrow and controversial part of the spectrum. We would argue that the NWLC is not a “women’s rights” organization at all.

19. Thank you for considering this testimony from WDI USA.

I declare under the penalties of perjury under the laws of the United States of America that the foregoing representations are true and correct.

Executed on June 14, 2024.

*Kara Dansky*

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Kara Dansky  
President, WDI USA



Kara Dansky  
Women's Declaration International USA  
P.O. Box 21160  
Washington, DC 20009

Re: Letter of Support in the case of *Gaines et al. v. NCAA et al.*

Dear Ms. Dansky,

I am writing to you today as the Georgia state contact for Women's Declaration International USA (WDI USA) and as a woman deeply concerned about the integrity of women's sports and the safeguarding of our sex-based rights. As someone who has seen firsthand the invaluable benefits of female-exclusive spaces and competitions, it disheartens me to witness the erosion of these rights, particularly the rights of young girls in sports, which are now compromised by the inclusion of male athletes.

Your testimonial declaration for *Gaines, et al. v. NCAA, et al.*, opposing the NWLC's claims and motion to intervene, articulates critical issues that resonate with the principles we uphold at WDI USA and specifically within our Black Women's Caucus, to which I have contributed in drafting several statements. It is evident that the ongoing legal interpretations and amendments to Title IX that accommodate "gender identity" over biological sex are detrimental not only to the essence of women's rights but also to the safety and fairness expected in women-exclusive domains.

Girls indeed have an unequivocal right to their own sports categories, exclusive of male participation, to ensure a level playing field and to uphold the safety standards that women's sports were originally designed to provide. The encroachment of males into these spaces not only undermines these goals but also poses significant risks, leading to situations where young women may feel discouraged from continuing their athletic pursuits.

Our work at WDI USA continually seeks to reinforce the foundation upon which women's rights were built — recognizing and respecting the biological realities and unique experiences of being female. We stand firm in our belief that women and girls should not be sidelined in their own spaces, and it is imperative that our legal frameworks reflect and protect this principle.

As such, I fully support your testimonial declaration in *Gaines, et al. v. NCAA, et al.* I implore the court to consider the grave implications of disregarding biological sex in sports and other areas where sex-based protections are essential and deny the NWLC's motion to intervene. We must prioritize the rights and wellbeing of women and girls above ideological inclinations that compromise their safety and integrity.

Thank you for considering this perspective. I am hopeful that our collective efforts will reaffirm and restore the protections intended by Title IX, ensuring a fair and safe environment for all women and girls.

Sincerely,

Kristin Zebrowski  
WDI USA Georgia State Contact  
WDI USA Black Women's Caucus Member



Kara Dansky  
Women's Declaration International USA  
P.O. Box 21160  
Washington, DC 20009

Re: Letter of Support in the case of *Gaines et al. v. NCAA et al.*

Dear Ms. Dansky,

I'm writing on behalf of the Lesbian Caucus of Women's Declaration International USA (WDI USA). Our purpose here is to add our support to WDI USA's Declaration in opposition to the Motion to Intervene by the National Women's Law Center (NWLC) in *Gaines, et al. v NCAA, et al.*

NWLC states in its Memorandum of Law in support of its Motion to Intervene that men who claim to be women should have the right to compete in sports designated for women "as a matter of both civil rights law and of human rights." Their rationale appears to be based on the fiction that men can be women if they say so.

The fiction that some men are a subcategory of women has harmed all lesbians in recent years. According to the Lesbian Bill of Rights (authored by us and adopted by lesbian organizations in Germany, New Zealand, Australia, Norway, and Italy), a lesbian is a "human female homosexual; or, a woman or girl who is exclusively same-sex attracted."<sup>1</sup> That is, being lesbian is based on the female sex, not on the performance of femininity. A man cannot be a lesbian; and, by definition, no lesbian is sexually attracted to any man, however feminine he may appear.

*The National Women's Law Center has abandoned lesbians as a category of women.*

As a result of government policies requiring men and boys to be included in the category of lesbians, it has now become nearly impossible for lesbians to assemble in public spaces as *lesbians*:

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<sup>1</sup> WDI USA Lesbian Caucus, "Lesbian Bill of Rights" (Sept. 24, 2022), <https://womensdeclarationusa.com/lesbian-bill-of-rights/>.

- Where there were once about a dozen lesbian bars in Manhattan alone, there are now virtually no lesbian bars in the United States.
- After decades of growth as an iconic annual lesbian cultural event, Michigan Womyn's Music Festival shut down in 2015 under extreme pressure from "Camp Trans," a group of men claiming to be women, demanding inclusion, and threatening boycotts of the performing artists.
- Lesbians are routinely thrown off lesbian dating sites for stating that lesbians don't date men or that men are not lesbians, while men are typically welcomed onto lesbian dating sites.

The right to free association in public places is crucial to lesbians politically as well as socially. In effect, lesbians are now being excluded from our own category, in every arena. Lesbian rights, culture, and political agency, built over multiple generations despite substantial oppression, have been shredded as a result of the forced teaming of same-sex attraction with "trans" and "queer," as in the emblematic acronym "LGBTQ."<sup>2</sup> Lesbians are women, not men, whether or not we appear to be feminine. But we are being systematically erased in law and policy as a category of women, and the NWLC is intentionally contributing to lesbian erasure.

*Gaines, et al. v. NCAA, et al.* is about fairness in sports competition, and whether women and girls, including lesbian athletes, have a right to fairness in sports competition. Many female athletes are lesbians, now losing trophies to men and boys. Lesbians are hit with a double dose of oppression from transgenderism – as women and as homosexuals. Because the civil rights of lesbians are based on our female sex and the female sex of our partners, the movement to abolish sex, promoted by the NWLC, inevitably harms lesbians more than any other demographic. We therefore support WDI USA's declaration that NWLC's Motion to Intervene should be denied.

Sincerely,

Lauren Levey, coordinator  
WDI USA Lesbian Caucus

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<sup>2</sup> We would, in fact, request that the court not use either the acronym "LGBT" or the acronym "LGBTQ" during the course of this litigation. It is, of course, appropriate to use the word "lesbians" when referring to lesbians, and "lesbian, gay, and bisexual people" when referring to people who are same-sex attracted.